

Instructions - Justice Court Monthly Report

Revised May 28, 2004

WHEN TO FILE: You need to submit a separate report form each month for each court in which a judge sits. If the judge serves in a county justice court and also serves in a municipal justice court, two forms must be submitted each month. If the judge serves two or more municipalities, one form must be submitted each month for each court.

If there have been no cases during the month, you need to submit a report anyway. Enter zeros in the case filing area on the web form and submit the report.

WHERE TO FILE: <http://www.utcourts.gov/courts/just/resources.htm> and click on submit monthly report via the internet

or
Administrative Office of the Courts
Court Services Division
P.O. Box 140241
Salt Lake City, Utah 84114-0241

HOW TO FILE: Enter the information on the web.
Print a copy for your court records and have the judge sign.
Make a copy for the local government official designated to receive the report, per UCA § 78-5-130(3).

DEADLINE: The report must be received within 10 days after the last day of the month. (See Rule 9-102 Code of Judicial Administration)

FORMS Forms may be obtained on the internet <http://www.utcourts.gov/courts/just/resources.htm>

LINE BY LINE INSTRUCTIONS FOR COMPLETING THE FORM

LOGON Enter logon id and password.

IDENTIFYING DATA:
Select the name of the judge. In the next space, after the word "For" verify the name of the municipality if you are reporting for a municipal court, or the precinct and county name if you are reporting for a county justice court.

In the next space on the top line, select the month and year of the report. The signature of the judge should be placed on the printed court report before sending it to the local government official.

SECTION I. TRAFFIC

LINE 1a TOTAL TRAFFIC CASES FILED:

Enter the total number of traffic cases filed in the court during the reporting month. Each citation or information filed instead of a citation, counts as one case, no matter how many separate charges have been made on a citation or information.

LINE 1b TOTAL TRAFFIC CASES DISPOSED:

Enter all traffic cases which have been disposed of during the reporting month. Each citation or information disposed of counts as one case disposed, no matter how many separate charges appear on the citation. If the court has disposed of some charges, but not all the charges on the citation, the case is not counted as disposed on this line, but the charges which have been disposed will appear in the section below.

NOTE: The number of cases filed will not necessarily equal the number of cases disposed of in any one month.

CHARGES FILED COLUMN:

The column on the extreme left is used to record the traffic charges filed during the month. There are two columns, one headed "state" and one headed "local." Please enter the number of charges filed under state law (Title 41) in the "state" column and local ordinance violations in the "local" column. Traffic charges are recorded in the following categories:

Driving under the Influence - includes all violations charged under §41-6-44 Utah Code Annotated or the equivalent local ordinance.

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DUI reduced to Reckless Driving - this block is shaded out on the form because the original filing should be shown in the DUI filing box.

Driver's License Violations - include any driver's license violation, such as failure to have a license, or failure to meet the requirements of the safety responsibility act.

Moving Violations (Reportable Violations) - include the offenses such as speeding, reckless driving not alcohol related and other violations which are determined to be "reportable" by Driver License Division.

Non-Moving Violations - enter all other traffic or vehicle offenses except parking tickets, including overweight offenses.

Parking Tickets - enter parking tickets separately.

Failure to Appear Informations - enter the number of cases on which separate charges are being sought for failure to appear.

CHARGE DISPOSITION COLUMNS:

The boxes on the right are used to record the charges disposed of during the reporting month and how they have been disposed. A charge may be disposed of by guilty plea or bail forfeiture, by a trial, non-jury or jury, a dismissal, a transfer or by the issuance of a warrant.

A bail forfeiture is the voluntary payment of a preset amount. It may be made by mail and occur prior to any adjudication by the court.

A guilty plea is counted if the defendant appears before the judge and enters a guilty plea.

A trial may be jury or non-jury. After trial, the possible dispositions are acquitted, if the person was found not guilty of the charge, or guilty if the person was found guilty.

A dismissal should be entered and counted for each charge which has been dismissed.

A transfer occurs when the charge and the case are transferred to another court to be adjudicated.

If a warrant of arrest is issued for the defendant, note this in the column entitled "Warrants of Arrest." This is where all of the cases that are FTAs should be noted so long as the warrant that has gone out is not for the separate Class B offense of Failure to Appear (§77-7-22). That offense is listed as a charge under "Failure to Appear Informations."

Pleas in Abeyance are not counted on this form. The disposition of the charge is reported when it is entered as either guilty or dismissed.

NOTE: **The number of charges filed will not necessarily equal the number of charges disposed of in any given month.**

SECTION II. CRIMINAL MISDEMEANORS

LINE IIa TOTAL MISDEMEANOR CASES FILED:

Enter here the total number of misdemeanor cases filed during the reporting month.

LINE IIb TOTAL MISDEMEANOR CASES DISPOSED:

Enter the total number of misdemeanor cases disposed of during the reporting month.

NOTE: **The number of cases filed will not necessarily equal the number of cases disposed of in any one month.**

CHARGES FILED COLUMN:

The column on the extreme left is used to record the misdemeanor charges filed during the month. There are two columns, one headed "state" and one headed "local." Please put the number of charges filed under state law in the "state" column and local ordinance

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violations in the "local" column. The total is recorded in the following categories:

- a. Assault
- b. Theft
- c. Failure to appear (includes failure to appear when the underlying citation is for a traffic offense, as well as for misdemeanors).
- d. Public intoxication
- e. Illegal sale of alcohol
- f. Other liquor violations (includes open container)
- g. Controlled substance act violations
- h. Bad check (criminal charges, not civil collections)
- i. Domestic animal ordinance violations
- j. Wildlife Resources violations
- k. Boat Act violations
- l. Higher Education violations
- m. Planning, Zoning, Fire or Health violations
- n. Domestic Violence
- o. Other misdemeanors or infractions, (include here any criminal charges which are not listed above)

CHARGE DISPOSITION COLUMN:

The boxes on the right are used to record the charges disposed of during the reporting month and how they have been disposed. These are the same categories as described above for traffic dispositions.

SECTION III. FELONIES

In this section, enter any preliminary hearings which were held during the reporting month. Record the total number held in the line preceding "Preliminary Hearings Held." Indicate how the cases were disposed of on the following lines - dismissed, bound over or transferred. The sum of the dispositions should equal the number of hearings held. For "Felony First Appearance," list the number of felony first appearance hearings conducted.

SECTION IV. SMALL CLAIMS

On the first line, record the total number of small claims cases which were filed during the reporting month. On the next three lines, record the dispositions of small claims cases which occurred in the reporting month. Indicate the number of small claims which were settled or dismissed, received a default judgment or had a trial.

SECTION V. APPEALS

Record the number of appeals filed in the reporting month: small claims, criminal and traffic.

SECTION VI. REVENUE COLLECTED

This section details the money actually collected to be disbursed to the various agencies during the month, not the amount assessed in the sentence.

NOTE: Fines assessed after September 1, 1995 should be disbursed upon payment based on the following percentages as outlined in §63-63a-2(2). The percentage for violations with 85% surcharge is 54% to the local government and 46% to the State. The percentage for violations with 35% surcharge is 74% to the local government and 26% to the State Treasurer.

Line 1. Fines and Forfeitures: Enter the total amount of revenue collected for the month in the TOTAL column.

In the three columns next to the total line the total amount should be broken out based upon the surcharge associated with the charge. For example, a \$100 payment on a charge with an 85 percent surcharge would be disbursed \$54.00 to the local government for the fine and \$46.00 to the state for the surcharge. The \$54.00 will be reported on line 1 in the 85% column. The "No

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Surcharge” would be used for non moving traffic violations such as a seat belt violation, where there is no surcharge assessed.

- Line 2. Sent to State Treasurer for 35/85 Surcharge: Enter the total amount of revenue collected in the TOTAL column. The two line to the right of the surcharge total are to give a break out of the collected amounts for 85% and or 35 % surcharge. The amount is reported based upon the surcharge associated with the charge. For example, a \$100 payment on a charge with an 85 percent surcharge would be disbursed \$54.00 to the local government for the fine and \$46.00 to the state for the surcharge. \$46.00 would be shown on line 2 in the 85% column.
- Line 3. Traffic Mitigation: Enter the total amount of revenue collected for the traffic mitigation surcharge. The entire traffic surcharge shall be paid to the local government. (Currently SL County only)
- Line 4. Other: Enter revenue collected by the court that is not fine or forfeiture, e.g. small claims filing fees, expungement fees, returned check fees, court costs for administering pleas in abeyance.
- Line 5. Overweight Court Costs: Enter the costs collected as part of Overweight Fines as described in §78-5-116(4). These costs are retained by the local government.
- Line 6. Security surcharge retained: Enter the total amount of revenue collected the assessing court shall retain (20% of the amount collected for deposit into the general fund of the governmental entity)
- Line 7. Sent to State Treasurer for Security surcharge: Enter the total amount of revenue collected the assessing court shall send to the State Treasurer (80%) to be distributed by the State Treasurer as follows:
62.5% to the treasurer of the county in which the justice court which remitted is located;
25% to the Court Security Account
12.5% to the Justice Court Technology, Security, and Training Account
- Line 8. Total Collections: Enter the total revenue collected by the court for this month.
- Line 9. Sent to the State Treasurer for Wildlife Resources: Report the revenue dollar amount that was collected this month to be allocated to the Division Wildlife Resources as described in § 78-5-116(2)(a). Wildlife restitution collected pursuant to UCA § 23-20-4.5 is sent directly to the division office.
- Line 10. Sent to the State Treasurer for the State Boating Act: Report the revenue dollar amount that was collected this month to be allocated to the Division of Parks and Recreation as described in § 78-5-116(2)(b).
- Line 11. Sent to the State Treasurer for the Off-highway Vehicles: Report the revenue dollar amount that was collected this month to be allocated to the Division of Parks and Recreation as described in § 78-5-116(2)(b).
- Line 12. Sent to the State Treasurer for Overweight: Report the revenue dollar amount that was collected this month to be allocated to the B & C Road Account as described in § 78-5-116(4).
- Line 13. Sent to the State Treasurer for Higher Education: Report the revenue dollar amount of fine collected this month for traffic or parking offenses cited on the campuses of Higher Education and referred to the court. Fine collections are allocated to Higher Ed with the specific Higher Education Institution specifically named on the State Deposit Form (C-500).
- Line 14. Sent to the Law Enforcement Agency for 41-1a-1303(2): Report the revenue dollar amount that was collected this month to be distributed to the state or local governmental entity which issued the citation for a violation of '41-1a-1303(2) registration of vehicles after establishing residency to be used for law enforcement purposes.

SECTION VII. MISCELLANEOUS INFORMATION

The section applies to criminal & traffic cases.

Surcharge/Fines paid by Partial Payment: Enter the number of cases in which a partial payment was made rather than payment of

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the entire fine. A case should only be counted once in this category when the first payment is made and it is a partial payment of the entire fine. Additional payments after the 1st payment would not be counted.

Example: You receive 5 payments this month from 5 defendants. One of the payments is a fine payment for the entire amount of the fine due, one payment is the first payment of \$100 towards a \$500 fine, one payment is the second payment of \$100 towards a \$300 fine, and the other two payments are the final payment of the fines where money had been taken previously. You would enter "1" on this line (one for the first payment).

Judgment fulfilled by Alternate Order: Enter the number of cases in which a defendant performed community service or went to a treatment program in lieu of paying the fine. A case should only be counted once, even though they may receive credit on more than one occasion.

Example: This month two defendants receive credit for community service. The first defendant brings in a letter indicating he has completed all the hours ordered. The second defendant brings in a letter indicating he has completed another 50 hours (50 hours had already been reported last month). You would enter 1 on this line to count the first defendant. The second defendant should have been included in the count last month.

Waived Surcharge: Enter the amount this month of surcharge that was credited or waived because the defendant completed community service or for some reason had the surcharge suspended rather than paying the fine.

Uncollected Surcharge: Enter the amount of surcharge that was determined to be uncollectible. This means that you have determined that the surcharge will never be collected, so you are writing this amount off by closing out the amount due on your accounting records by order of the judge.